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IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 14.02.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.Sr.6128 of 1996
and
C.M.P.No.7988 of 1996

The Director of Medical and Rural Health
Services, Madras-6. ... Petitioner/Appellant

versus

Ponnusamy ... Respondent/Respondent

Appeal sought to be filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 30.08.1994 made in M.C.O.P.No.293 of 1990 on the file of the learned Subordinate Judge, Poonamallee. C.M.P.No.7988 of 1996 is filed to condone the delay of 217 days in filing the CMA.SR.

For appellant : Ms.Jayasree
Government Advocate
For Respondent : No appearance

O R D E R

The Director of Medical and Rural Health Services has filed this Civil Miscellaneous Appeal, challenging the Judgment and decree dated 30.08.1994 made in M.C.O.P.No.293 of 1990 on the file of the learned Subordinate Judge, Poonamallee which is pending in SR stage from the year 1996 onwards, i.e. exactly from 24.04.1996.

2. Despite pendency of appeal in SR stage for 21 years, no steps have been taken to get it numbered.

3. Since this appeal is pending for 21 years at the SR stage, it is taken up for disposal at the SR stage itself.

4. In respect of the injuries due to the accident, that had taken place on 30.08.1994, the injured made a claim of Rs.,40,000/-. As against the claim made, the Tribunal has awarded a sum of Rs.12,000/- as compensation.

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5. The compensation awarded by the Tribunal is only a sum of Rs.12,000/-, which may appear to be excessive for the year 1996, but not as of now, that is in the year 2017. The compensation awarded is hardly adequate in the face of spiraling inflation and surge in cost of living. Inflation is naturally compounding, and a relentless destroyer of the value of money. The same is supported by the decision of the Hon'ble Supreme Court in the case of Rathi Menon v. Union of India 2001 (2) KLT 12: (2001 AIR SCW 1074), wherein it has been held that when injuries occurred due to accidental falling of a person, considering the value of money etc., compensation shall be payable on the basis of rules prevailing at the time of making the final order for payment of compensation and not on the money value which prevailed on the date of accident.

6. In view of the same, the amount awarded by the Tribunal cannot be said to be excessive. Therefore, the Civil Miscellaneous Appeal at the SR stage itself is dismissed. No costs. C.M.P.No.7988 of 1996 is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

arr
To
1. The Subordinate Judge, Poonamallee

2. The Section Officer, VR Section,
High Court, Madras.(2 copies)

C.M.A. No.Sr.6128 of 1996
and
C.M.P.No.7988 of 1996

SR(CO)
SP(13/04/2018)

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